



18 AUG 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Danielle L. Herrit  
Lahive & Cockfield, LLP  
28 State Street  
Boston, MA 02109

In re Application of  
KORSUNKY, Alexander  
Application No. 10/502,432  
PCT No.: PCT/GB03/00283  
Int. Filing Date: 24 January 2003  
Priority Date: 25 January 2002  
Attorney Docket No.: ISI-003US  
For: X-RAY DIFFRACTION METHOD

:  
:  
:  
: DECISION ON PETITION  
: UNDER 37 CFR 1.181  
:  
:  
:

This decision is in response to applicant's "Supplemental Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office" filed 25 July 2005, which is being treated as a Renewed Petition under 37 CFR 1.181. The petition under 37 CFR 1.181 is **GRANTED**.

On 24 January 2003, applicant filed the above identified international application which claimed a priority date of 25 January 2002. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 25 July 2004.

On 22 July 2004, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international; a preliminary amendment; and a copy of a Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv) filed during the international phase.

On 28 March 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 13 May 2005, applicant filed "Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office." In a decision dated 07 June 2005, applicant was notified that the declaration submitted on 13 May 2005 was not in compliance with 37 CFR 1.497(a)-(b).

On 25 July 2005, applicant filed "Supplemental Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office" which included an executed declaration; \$130 surcharge for furnishing an oath or declaration later than 30 months from the priority date; and a petition fee for a three-month extension of time.

A review of the application reveals that the declaration submitted on 25 July 2005 is in compliance with 37 CFR 1.497(a)-(b). Specifically, the declaration identifies the international application number to which it is directed.

The renewed petition under 37 CFR 1.181 is GRANTED.

The application has an international filing date of 24 January 2003 under 35 U.S.C. 363 and a 35 U.S.C. 371(c) date of 25 July 2005.

This application is being returned to the United States/Designated Elected Office for processing in accordance with this decision.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Telephone: 571-272-3298  
Fax: 571-273-0459